

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

TRACY DAMON LEE,

Defendant.

NO. CR06-0164JLR

(PROPOSED) ORDER GRANTING  
THE DEFENSE REQUEST TO  
CONTINUE THE TRIAL DATE

THE COURT having considered the defendant's request to continue the trial date and his agreement to extend the time for trial by signing a speedy trial waiver through October 31, 2006, which will be filed separately with the Court, as well as the records and files herein, hereby makes the following findings of fact:

1. That the defendant's prior counsel, Carol Koller, was permitted to withdraw from the case on July 14, 2006. See Dkt. No. 35. The defendant's new counsel, Walter Palmer, subsequently filed his notice of appearance on July, 17, 2006, and was officially appointed as new counsel on July 20, 2006. See Dkt. Nos. 37 and 40.

2. The time for speedy trial has been tolling in this matter since June 20, 2006, when the defendant and his former attorney, Carol Koller, filed their motions. See Dkt. Nos. 21 through 25. These motions are still currently pending as the hearing on these motions had to be continued due to the appointment of new counsel, Walter Palmer.

3. The Court finds that a failure to grant a continuance of the current trial date (July 25, 2006) would deny Walter Palmer, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(8)(B)(ii).

4. The Court further finds that the ends of justice will be served by ordering a

(PROPOSED) ORDER GRANTING THE DEFENSE REQUEST  
TO CONTINUE THE TRIAL DATE  
CR06-0164JLR - 1

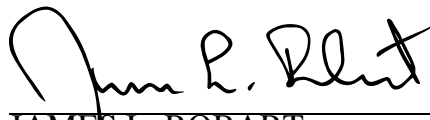
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1 continuance in this case and that a continuance is necessary to insure effective trial  
 2 preparation and that these factors outweigh the best interests of the public in a more  
 3 speedy trial within the meaning of 18 U.S.C. § 3161(h)(8)(A).

4 IT IS THEREFORE ORDERED that the trial date be continued from July 25,  
 5 2006, to October 10, 2006. The deadline for the defense to file any additional pretrial  
 6 motions is August 22, 2006. The pretrial motions already pending and any additional  
 7 motions brought by the defendant's new counsel, Walter Palmer, will be heard on  
 8 September 22, 2006.

9 IT IS FURTHER ORDERED that the period of time from July 20, 2006, up to and  
 10 including the new proposed trial date of October 10, 2006, shall be excludable time  
 11 pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161, *et. seq.* As noted above the  
 12 defendant has agreed and will sign a waiver of speedy trial through October 31, 2006.

13 DONE this 21<sup>st</sup> day of July, 2006.

14  
 15   
 16 JAMES L. ROBART  
 17 United States District Judge

18 Presented by:

19 s/ C. Andrew Colasurdo  
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s/ Walter Palmer (per telephonic approval)  
 WALTER PALMER  
 Attorney for Tracy Damon Lee

(PROPOSED) ORDER GRANTING THE DEFENSE REQUEST  
 TO CONTINUE THE TRIAL DATE  
 CR06-0164JLR - 2